

CHILD PROTECTION ACCOUNTABILITY COMMISSION
APRIL 13, 2005
CARVEL STATE OFFICE BUILDING, 820 N. FRENCH STREET
GOVERNOR'S CONFERENCE ROOM

MINUTES

Those in attendance:

Members of the Commission:

Tania M. Culley, Esq.,
Susan Cycyk
Allan DeJong, M.D.
Peter Feliceangeli, Esq.
Carlyse A. Giddins
John Humphrey
The Honorable Jennifer Mayo
The Honorable Pamela Maier

Statutory Role:

Executive Director
Dir. of Child Mental Health 16 Del. C. §912(a)(9)
Medical Community 16 Del. C. § 912 (a)(10)
Attorney General's Office 16 Del. C. § 912 (a)(3)
Dir. of Div. of Family Servs. 16 Del. C. § 912 (a)(2)
Child Protection Comm. 16 Del. C. § 912 (a)(10)
Family Court 16 Del. C. § 912(a)(4)
Member, House of Reps. 16 Del. C. § 912 (a)(5)

Child Protection Comm. 16 Del. C. § 912 (a)(10)
Children's Department 16 Del. C. § 912(a)(1)
Child Placement Review Board 16 Del. C. § 912 (a)(7)
Child Protection Community 16 Del. C. § 912 (a)(10)
Dept. of Education 16 Del. C. § 912 (a)(8)

Janice Mink
Sec. Cari DeSantis
Julia Pearce
Jennifer Barber Ranji, Esq., Chair
Linda Wolfe (proxy for Valerie Woodruff)

Guests:

Lorin M. Hochman, Esq.	Mike Pizor
Joe Bakker	Laura Miles
Anne Pedrick	Candace Charkow
Joseph Smack	Florence Alburque
Marianne Kenville-Moore	Susan Radecki

I. Welcome/Introductions

II. Approval of Minutes – 10/13/04 Meeting

The minutes of the January 14, 2005 meeting were unanimously approved with a few minor changes. Karen DeRasmo presented a significant portion of the community notification report at the last meeting and the minutes were to be changed to reflect that.

III. Special Committee Reports

A. Near Death

Jennifer Ranji reported that a confidential draft of the Subcommittee's report had been circulated to Commission members a week ago seeking feedback. The Subcommittee is meeting on April 28, 2005 to go over the report before presenting the final report to a special meeting of CPAC on April 29, 2005. In addition to feedback on the report, the Subcommittee is seeking guidance from CPAC as to whether certain entities that were discussed in the report but are not members of CPAC should be invited to review and comment on the parts of the report that address their organization. There was discussion related to the fairness of inviting these entities to give feedback on the report and to share with the Commission what changes they may have made in the time that has passed since the incidents at issue in the report occurred. Some members voiced concern about maintaining confidentiality until the report was finalized and released. Following discussion as to the pros and cons, a motion was made to give non-CPAC members the portions of the report that involve that particular entity before the report is disseminated. The motion was seconded and approved with no votes cast in opposition.

B. ASFA Timelines

Commissioner Mayo reported on the progress of the Subcommittee that is looking at every child who entered care. According to Commissioner Mayo, staff is going through the slow and arduous process of pulling every file, one by one and looking at each and every order entered to determine how Delaware is complying with the ASFA timelines. Commissioner Mayo noted that there are 250 cases in New Castle County for 2002 and it is taking staff about one hour to review 10 files. The goal of the project is to look at the years 2002-2005 and then extend into 2006.

Commissioner Mayo further reported that DFS is working on obtaining a grant to assist with the project. There is also hope that a Widener student will be available to assist with the file review. Commissioner Mayo is realizing that some case managers are inputting data into the system properly and that others are not so the current system is only as good as the case managers who input data. Specifically, the problem is that some case managers input the date of an order as the date the judge entered it and others input the date of the order as the date that the case manager input it into the system. As a result of this discovery, Commissioner Mayo indicated that the Court is trying to fix the problem going forward and trying to ensure that all case managers are inputting information in a consistent and correct manner.

In addition to highlighting problems with data entry, this process has highlighted how far behind the Court is in tracking information. Commissioner Mayo commended DFS and the CPRB for their cross referencing of lists to compile a comprehensive list of children in care, a process which took nearly four months. She also noted that Allison McDowell of DFS and Angela Fowler of OCA have been a huge help.

Commissioner Mayo further explained that the project has two goals: first, to develop a database to track children in foster care; second, to track the positives and negatives of the system to better achieve permanency for children. Commissioner Mayo is hopeful that the end result will be a resource for further support and grants.

C. Educational Needs of Foster Children

Tania Culley reported that this Subcommittee is comprised of a number of individuals who are not CPAC members and let the Commission know who these people are and with whom they are affiliated. Ms. Culley reported the Subcommittee has received incredible support from CPAC members including Family Court, DFS, the Department of Education, OCA, the Educational Surrogate Parent Program, and Prevent Child Abuse Delaware, all of which through their monetary and in kind contributions will enable CPAC to sponsor a one day conference on education and child welfare to be held on October 7th at Dover Downs. The conference will feature a keynote speaker from the ABA. Currently, the Subcommittee is planning two tracks of workshops: one to educate child welfare workers on understanding the education system and one to help the educational players understand the child welfare system. Ms. Culley asked for the support of CPAC to move forward with planning the conference. There was some discussion about the date and other events that are taking place that day including training for the Delaware Girls' Initiative and a DFS system of care training. Nevertheless, Ms. Culley believed there would still be more than enough people from the various disciplines attending the conference to make it a success. Carlyse Giddins pointed out that the date was selected because it was a date that was good for the schools. A motion was made to give CPAC's approval to move forward with the conference. The motion was seconded and unanimously approved.

D. Family Court Extended Jurisdiction

Julia Pearce reported on the progress of this Subcommittee which has met twice since the last CPAC meeting. The group spoke with various adult service providers including the Departments of Labor and Housing and planned to hear from the Department of Health and Social Services in June. Ms. Pearce noted that she was impressed with the Department of Labor's commitment and the services that currently exist, however found the situation with the Department of Housing to be bleaker. The group's goal is to learn about what exists for children who age out of the foster care system. Ms. Pearce further reported that Debbie Neff recently learned of a \$2.5 million federal foster care transition grant that was available and submitted a proposal. The grant would be available from July 2006 through June 2009 and would help youth work on skills they could use to live on their own as adults. Ms. Pearce brought copies of the specific topics to be addressed with specific age groups which she made available to CPAC members. She did not know when they would learn whether they were going to receive the grant or not. Susan Cycyk noted that the Department of Labor is doing a good job working with Child Mental Health to facilitate transition.

The Subcommittee plans to look at mental health services next.

E. Mental Health Assessments for Foster Children

Susan Cycyk reported that CMH has a \$200,000 budget request to implement a system that will provide for any child who enters foster care to get an immediate mental health assessment and to implement more comprehensive services right away if they are needed. She further reported that she has not yet seen any indications that the \$200,000 budget request will not pass. Ms. Cycyk thanked Jennifer Ranji and others who spoke at the joint finance committee meetings in support of the budget requests and hopes the system will be up and running in the fall.

Ms. Cycyk also shared that a report had been done explaining the need for these assessments and services which noted that a conservative estimate indicates that approximately 60% of children in foster care are in need of more intense mental health services. Currently, about 14% of children involved with CMH (this number does not include children who receive outpatient counseling but are not involved with CMH) are receiving appropriate services which is up from the last report of 10% and up from the 5% reported 2 ½ years ago.

Ms. Cycyk further reported that the Subcommittee's next priorities were to review the number of foster care children receiving services and understand what services they are receiving. The group also wants to review the transitions of children from child mental health to adult mental health and find ways to make the transition smoother.

Ms. Cycyk reported that the CMH advisory council would like someone from CPAC to participate. Although there had been some confusion as to whether the council wanted someone from OCA or CPAC, Ms. Cycyk said the council would be happy to have whomever CPAC thought appropriate. An initial overview was planned for Monday with a presentation on how the group operates. There were also meetings scheduled for May and July and the group hopes for final meeting in August to finalize recommendations and improve the system. A motion was made to give CPAC's support to having Tania Culley or her representative participate; the motion was seconded and approved. Tania Culley indicated Angela Fowler would be the designee.

The next Subcommittee meeting is scheduled for April 29 at 2:00 at the Office of the Attorney General.

F. Best Interests

Julia Pearce reported that she gave her last report from this Subcommittee at the last CPAC meeting.

G. Community Notification

Karen DeRasmo reported that this Subcommittee completed its report and submitted it to the Governor. She explained the recommendations contained with the report sought to answer the questions generated from the first task force with the overarching goal to establish an ongoing permanent committee to raise awareness. Ms. DeRasmo agreed to forward a copy of the report to Tania Culley via email so that she could then forward it to the Commission members.

H. Legislative

Tania Culley provided the report and noted that the Subcommittee met in March and did not have many bills to review. One bill up for review was the proposed Best Interests legislation. Ms. Culley noted in addition to the work that had been done on that, she was aware of court cases and other discussions that have arisen regarding visitation and rights of people in children with respect to unfit parents and what should be the standards for making determinations in these cases. Ms. Culley reported that the committee felt there was too much piecemeal work going on to address specific issues and that what is really needed is a comprehensive overhaul of the law to create something that

will govern when someone other than a parent has custody of a child. Ms. Culley reported that in order to tackle this issue, a large workgroup is needed that extends beyond CPAC members and their proxies. She further noted there are multiple definitions of neglect which are confusing and unworkable and hoped the workgroup could address that problem as well. Ms. Culley reported a need for something comprehensive and understandable and is going to pull a group together. This is an arduous task that will likely take 6-9 months to go through. Ms. Culley asked the Commission members to think about whom from each of their groups could participate.

IV. Agency Reports/Statistics

A. Child Mental Health

Susan Cycyk reported that in addition to the funding request for assessments, CMH submitted two other budget requests. The first is for another IOP service. Currently, it takes a full month to get a child in IOP. The second request is for money for a day treatment service for southern Delaware.

Ms. Cycyk next reported on statistics: referrals for children with substance abuse problems is up 20% which she noted is a good thing because kids do not usually come forward about this issue. She attributes the increase to the success of drug court. She added that she believes this will eventually put a strain on the system but for now, CMH is thankful to get the children and can sustain the current numbers. Additionally, hospital stays are down to an average of 10.8 days which is a decrease from the previous average of 15 days. Ms. Cycyk reported CMH is pleased to get these children home more quickly and is monitoring how quickly they relapse and have to return to the hospital.

Ms. Cycyk also reported that the availability of mental health providers in the state is “abysmal on a good day.” She reported on the work of the Mental Health Subcommittee of the Delaware Health Care Commission, who, in an arrangement with public health, is going to apply to the federal government for Delaware to be declared in a mental health provider shortage. The application is a huge endeavor and is going to involve the University of Delaware and Delaware State University. Ms. Cycyk reported that it is expected to happen by December. CMH has volunteered to get the necessary groups together to make this happen. If Delaware gets this classification, it can, among other things, forgive loans of professionals and receive certain federal grants.

Secretary DeSantis, who chairs the Mental Health Subcommittee of the Health Care Commission, added that child psychiatry has been added to the Diemer program. There was some discussion of the training involved in becoming a board certified child psychiatrist and the reasons few people attain that qualification.

In response to a question, Ms. Cycyk reported that CHM does not yet have the data report back on outcome measures and hopes to have that feedback by July.

B. Child Placement Review Board

There was no update from the Child Placement Review Board. CPRB’s data is currently only available on an annual basis.

C. Children's Advocacy Center

John Humphrey reported that the Dover center relocated, is up and running and will be able to meet the community's needs for the foreseeable future. He also reported that the Dover CAC finished its application for accreditation to the National Children's Alliance and submitted it for review. The Wilmington center has a 5 year reaccreditation application going on this week. Mr. Humphrey further reported that the CAC asked for additional money in the budget as this will be a critical year for the CAC because some of their grants are expiring. He added that they had filled two of the three LCSW positions he discussed at the last meeting but still need to fill the position at the Dover Center.

Mr. Humphrey also provided a report on Finding Words and reported that OCA, the AG's office, DFS and Law Enforcement had committed to moving forward with what he described as a very intensive training. He explained that it is going to take a lot of work and a lot of money to get the program to Delaware, noting that the up front cost is \$40,000 for the copyright, not to mention the conference costs, facility costs, and actor costs, among other things. He hopes to have \$90,000 for the first year to put towards the program and hopes that money will cover a majority of the costs to train about 40 people. Three weeks are currently being considered for the training.

D. Department of Justice

Pete Feliceangeli did not have statistics to share because while they were compiled, they had not yet been shared with DFS. He noted, though, that the last quarter of 2004 and the first quarter of 2005 were consistent. Mr. Feliceangeli also reported turnover among the DFS deputies: one transferred to another position within the DOJ and one left the DOJ and went to OCA. DFS hired 2 deputies from child support and moved one other deputy down to Kent County to fill the existing vacancy there.

Mr. Feliceangeli also reported on a fairly significant decision from the Supreme Court that involved a constitutional challenge to the TPR statute relating to a prior involuntary TPR serving as the basis for a later TPR. The court upheld the statute and found that a parent has the chance to prove his/her ability to parent in the best interest analysis.

Marianne Kenville Moore reported on the workings of the Attorney General's Abuse Intervention Committee and said the committee will more formally report to CPAC in the future. AIC realizes that there are some issues such as legislation which are better suited for CPAC. Likewise, CPAC could give some projects to AIC. Ms. Kenville Moore commented further on the confusion with the statutory definitions of neglect and asked that CPAC make it a priority to resolve the definitions and also clarify care, custody and control. AIC's next meeting is Friday, May 6 from 8:30-12:00 p.m. at the Appoquinimick State Service Center.

E. Department of Education

Linda Wolfe provided the report, noting the date for the CPAC Education and Child Welfare Conference was a good date for education staff. She also reported that in February, a Subcommittee

of the nursing intervention task force held a conference for school guidance counselors to encourage children to consider going into nursing and allied health and provided resources to them for kids to learn more about opportunities and scholarships in those fields in Delaware and the surrounding areas.

F. Division of Family Services

Some concern had been expressed in the near death Subcommittee review about case loads and Ms. Giddins explained that Candy Charkow issued a directive last summer that no individual worker should be allowed to exceed the case load standard by 50% to ensure consistency of approach statewide. Subsequently, the directive was changed to state that no investigation worker should exceed the standard by 20 and no treatment worker should exceed the standard by 26.

Carlyse then reviewed the case loads for the workers discussed in the near death report, noting that Investigation worker 1 exceeded the standard 13 times during the last 27 reporting periods. Additionally, in Investigation worker 1's unit, there were 4 fully functioning caseworkers carrying caseloads of 11, 12, 20 and 21 cases. The regional data for Investigation worker 1's region showed that 5 workers were below the fully functioning average within the region. After noting that each unit's supervisor plays a key role in assignments, Ms. Giddins noted that Investigation worker 1's supervisor had support within the region he/she could have sought with respect to the caseloads of his/her workers.

Regarding the treatment workers discussed in the near death report, Ms. Giddins noted that one has not exceeded the standard and the other has been over the standard 5 times out of the last 27 reporting periods. Ms. Giddins further noted that DFS workers work hard to provide safety and that Carlyse and her staff work hard to support their workers, adding that she does not want CPAC to think DFS has a problem managing resources. Jennifer Ranji noted that she does not want CPAC left with the impression that everything is ok—even based on the numbers provided by Ms. Giddins, with some caseworkers carrying caseloads of close to 50% above the maximum, there is cause for concern.

Ms. Giddins also reported that DFS is holding a walkathon on May 14 and that DFS would welcome any support.

Additionally, Ms. Giddins reported that DFS is focusing on foster parent recruitment and will be running advertisements in the Brandywine Town Center and People's Plaza movie theater lobbies as well as be shown several times before movies begin through the end of May. Ads will also appear on 36 DART buses.

Ms. Giddins also shared that Frank Perfiniski was named the Kids' Department employee of the year and that Linda Shannon was named as the National Association of Social Workers' Delaware Chapter social worker of the year.

Regarding caseload averages, Ms. Giddins reported that there are still challenges in the investigation unit at University Plaza with caseloads above the standard. Ms. Giddins, however, did report a slight decrease: In February, the average caseload per worker was 15.2; in March, it was

14.6. Ms. Giddins cited movement within the office and casual seasonal support as reason for the change. She also noted that since Elwyn has been stable, more investigation cases have been assigned there in an effort to stabilize things at University Plaza. As of the end of March, 8 of 51 investigation workers statewide were over standard—2 at Elwyn and 6 at University Plaza.

Ms. Giddins further reported that things were going well in treatment except in Kent County. As a result, the Division has reallocated a position within the Department to Kent County via a lateral transfer. In treatment, 23 of 64 workers are above the standard and 12 of those 23 are in Kent County. Ms. Giddins noted that there are 11 fully functioning treatment workers in Kent County and one who functions at less than the full level because he/she is on educational leave. All 12 of them are over the standard. Nevertheless, Ms. Giddins reported that they expect Kent to recover more quickly than University Plaza but that they will continue to provide support to UP.

Tania Culley noted that OCA and DFS meet quarterly if not more often and review caseloads. She noted how appreciative she is of how forthcoming DFS is about numbers and how willing DFS is to share that information. Based on these meetings, Ms. Culley believes the problem at University Plaza is a chronic issue.

Ms. Giddins reported that the number of calls to the hotline has increased by approximately 200 from the first nine months of FY 2004 compared to FY 2005. Candy Charkow noted that if things continue as they are now, calls will likely be up by 400 at the end of the year.

Ms. Mink asked why there are so many serious problems at University Plaza. Ms. Charkow noted that Elwyn only has 2 investigation units, one of which is serious injury/sex abuse unit which has very low turnover. So comparing Elwyn to University Plaza presents a problem in that Elwyn has one regular investigation unit to University Plaza's three. Ms. Charkow also cited management issues and violence in New Castle County as a reason for the problems with caseworkers moving to other positions to escape it.

Ms. Giddins noted that turnover numbers are higher than past years for the first nine months of this fiscal year, however, when compared to other national child welfare agencies, the numbers are still good. Ms. Giddins believes the increased movement has to do with the lifting of the hiring freeze which has allowed people to move to other agencies within the state.

G. Family Court/CASA

Commissioner Mayo reported that the Family Court needs at least 2 more judges and 8 more support staff. Since 2001 the monthly caseload is up by 56% per month per judge. She also noted that 1978 was the last time New Castle County got a new judge and that since then caseloads have increased by 113%. The Chief Judge's major goal is to get more judges and that will impact the ASFA guidelines. Commissioner Mayo further noted that reducing the time a child spends in foster care by 1 month could save the state \$100,000 per year. If the Family Court and child welfare agencies meet the ASFA requirements, the state can save \$918,000 in state funds each year. Consequently, earlier permanency for kids benefits kids and the budget. Through Commissioner Mayo, the Chief Judge asked for CPAC's support for new judges. Jennifer Ranji said that CPAC did send a letter of support to at the chief judge's request. Ms. Culley asked if more caseload statistics

regarding dependency and neglect cases could be reported to CPAC. Commissioner Mayo thought that was possible and offered to gather the information.

A CASA report was distributed which gave CASA statistics for January 1-March 31, 2005.

H. Law Enforcement

There was no representative from law enforcement present but Jennifer Ranji noted that she had talked to Sergeant Phil Hill about generating statistics on the number of New Castle County officers in the unit that handles child abuse cases and the number of cases they handle. CPAC would like to review those numbers to begin getting a better sense of the law enforcement volume and caseloads. Ms. Ranji also noted that Sergeant Randy Fisher would be the new domestic violence liaison for the Delaware State Police and the new CPAC proxy.

I. Office of the Child Advocate

Tania Culley passed out statistics and reported that 536 children were actively represented at the end of December, 470 of who were represented by pro bono attorneys, 428 of whom were in the custody of the kids' department, and the bulk of whom were in New Castle County. Ms. Culley thanked those who supported OCA at the JFC in OCA's quest to obtain funding for a Sussex County deputy. Ms. Culley reported that although no database exists, a manual count suggests that there are about 100 kids currently not represented, the bulk of whom are in Kent and Sussex counties. Ms. Culley also introduced Lorin Hochman, the new Deputy Child Advocate for New Castle County who replaced M.C. Landis. Ms. Hochman came from the DOJ where she spent just over a year representing DFS. Before that, Ms. Hochman spent over 4 years at the Wilmington office of Skadden Arps.

V. DFS Intake/Reports Presentation

Sue Radecki gave a presentation on the DFS hotline and began with a historical overview noting that the hotline was established in 1979. As the years went by, DFS established a dedicated staff in a centralized location, currently located at the NCCPD headquarters and staffed 24 hours a day, seven days a week. The hotline takes reports for the entire state. Ms. Radecki explained that the hotline staff gears itself to a customer service focus and that all staff participates in the same DFS training as other workers. In May 2004, DFS implemented a digital recording system.

The hotline is the division's intake function and screens allegations of abuse/neglect to see if an investigation is warranted. Reports are accepted by phone, in writing or in person. It is the intake worker's responsibility to assess whether a report meets the criteria for investigation. The criteria include: a child from birth to age 18 who has allegedly suffered abuse or neglect or is dependent, as defined by statute, and is the subject of intrafamilial or institutional abuse. The intake worker writes a report which a supervisor then reviews to determine the urgency of the report. Ms. Radecki next explained what definitions the intake workers use to determine if abuse or neglect has occurred, noting they include statutory definitions and the categories for neglect as defined in the child protection registry regulations. She also explained that a concerning history can be a basis for investigation as can a criminal history, medical neglect, witnessing a violent felony, etc. She explained that a worker

must respond to a report classified as urgent within 24 hours and to a report classified as routine in 10 days. Other factors considered include the alleged perpetrator's accessibility to the alleged victim and whether there is a protective parent. According to Ms. Radecki, it takes 20-40 minutes to take a hotline report, depending on the amount of information the reporter has.

John Humphrey raised concern about case where the report is rejected because a child has not disclosed yet and noted that there may be a problem with the overall system of the hotline because no one knows what happens to a case when a report is rejected. In the interest of time, it was suggested that this subject should be deferred until another time or put before a Subcommittee.

VI. Old Business

A. Department Employee Satisfaction Survey

This item was deferred again to the July meeting.

B. Children's Department Placement Resources

Carlyse Giddins reported that as of April 1, new foster care contracts had been awarded. With the \$8.4 million to spend, the kids department is buying less basic foster care and more specialized treatment and group home facilities. There is a new group home in Milford. With the new contracts, capacity has been slightly increased from 199-219 spaces. In reviewing the options previously available, it seemed that specialized foster care was the area with the largest gaps.

The Resource Committee for Runaway Youth met monthly from August to March. Special thanks were given to Angela Fowler/OCA for her work and support. The group looked at 8 young women with multiple runaway episodes and concluded that there is no one solution to address these behaviors and no clear evidence that a residential facility was required for them. Rather, a continuum of services was the best approach. The committee made 8 recommendations which are contained in a packet that was handed out but not discussed in the interest of time. The committee hopes through other initiatives it can do more work.

VII. New Business

A. University of Pennsylvania Child Welfare Conference

Janice Mink reported on a child welfare conferences to be held June 2 and 3 at the University of Pennsylvania which she said looks terrific. Tania Culley offered to email the website to all Commission members.

B. Prevent Child Abuse Delaware, OCA and Grassroots Citizens for Children

Annual Legislative Hall day is April 19, declaring April as Child Abuse Prevention month.

C. Meeting Day

Jennifer Ranji reported on a request to change the CPAC meeting day. She will circulate days to Commission members to see if there are other possible days for CPAC to meet.

VIII. Public Comment

There was no public comment

IX. Adjournment

There being no further discussion, the meeting was adjourned at approximately 12:20 p.m. The CPAC annual legislative meeting is scheduled for May 25, 2005, from 9-11 in the Governor's conference room. The next quarterly CPAC meeting is July 13, 2005 from 9:00-12:00 in the Governor's conference room.